2617.

SUPREME COURT OF THE UNITED STATES.

No. 146.

PIERRE CLAUDE PIQUIGNOT, PLAINTIFF IN ERROR,

vs.

THE PENNSYLVANIA RAILROAD COMPANY.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES, FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

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Gideon, printer.

Among the rolls, records, and judicial proceedings of the circuit court of the United States, for the western district of Pennsylvania, in the third circuit, may be found the following words and figures, viz:

No. 12, of May term, 1852.

PIERRE CLAUDE PIQUIGNOT, a citizen of France,
vs.
THE PENNSYLVANIA RAILROAD COMPANY.

Summons case, issued December 26th, 1851, returnable to the first Monday of January next.

December 30th, 1851, summons returned served. So answers

J. G. SPROUL,
Deputy Marshal.

$12 50.

Same day Pierre Claude Piquignot, by his attorney, Timothy J. F. Alden, esq., files the following declaration:

Copy of declaration.

In the circuit court of the United States, for the western district of Pennsylvania, of the term of May, A. D. 1852, No. .

The Pennsylvania Railroad Company were summoned to answer Pierre Claude Piquignot, a citizen of France, in a plea of trespass on the case, &c.; and thereupon the said plaintiff, by T. J. Fox Alden, esq., his attorney, complains, for that the said defendants were transporters of emigrants and others, travellers from Philadelphia to Pittsburgh, both places in the State of Pennsylvania, for hire; and, as such, the said defendants undertook, for a full compensation in money, then and there paid to said defendants, to transport and carry the plaintiff aforesaid, in a reasonable time, from Philadelphia to Pittsburgh as aforesaid, together with the wife and family of said plaintiff, and to provide sufficient and comfortable vehicles for said transportation of said plaintiff and family, and not by any carelessness and neglect to endanger the life of said plaintiff, or any of his family, while transporting them as aforesaid between the cities of Philadelphia and Pittsburgh as aforesaid. Yet the said defendants, disregarding their several promises and undertakings as aforesaid, did not provide suitable, sufficient, and comfortable vehicles; but, by gross negligence, provided and furnished such insufficient, and uncomfortable, and improper vehicles, for the transportation of the said plaintiff, his wife and family, that the wife of the said plaintiff was frozen to death, to wit, in the western district of Pennsylvania, and within the jurisdiction of this honorable court, on the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one. Whereupon the said plaintiff complains, that in consequence of said neglect of duty

on the part of said defendants, he, the said plaintiff, hath wholly lost and been deprived of the fellowship, aid, and assistance of his said wife in his domestic affairs, which he, the said plaintiff, ought to and would have had, if it had not been for the gross and wilful neglect and carelessness of the defendants aforesaid, in not properly furnishing suitable and comfortable vehicles for the transportation of the said plaintiff, his wife and family, as aforesaid; in consequence of which gross neglect, the wife of said plaintiff was frozen to death as aforesaid, to wit, at the western district of Pennsylvania, and the plaintiff wholly deprived of her assistance and comfort, to the damage of the said plaintiff twenty thousand dollars. Wherefore, by reason of the act of assembly of the Commonwealth of Pennsylvania, in such case made and provided, the plaintiff saith that action hath accrued, and therefore he brings suit, &c.

And afterwards, to wit, on the 5th day of January, 1852, the defendants, by their attorney, James Ross Snowden, esq., comes and files the following plea:

Copy of plea.

PIERRE CLAUDE PIQUIGNOT, a citizen of France,
vs.
THE PENNSYLVANIA RAILROAD COMPANY.

No. 12, of May term, 1852. Action on the case.

And the said defendants, by James R. Snowden, their attorney, comes and defends the wrong and injury, when, &c., and prays judgment of the said action or suit, because they say that before the commencement of the said suit or action, to wit, on the twenty-fourth day of December, A. D. eighteen hundred and fifty-one, a writ of summons of a plea of trespass on the case was issued forth from the district court of the county of Alleghany, No. 257, of January term, 1852, by the said plaintiff against the said defendants, for the identical cause of action or alleged injury on which this present suit or action is founded, as by the records and proceedings thereof, remaining in said district court of the county of Alleghany aforesaid, more fully appears; and the said defendants further say, that the parties in this and the former suit are the same, and not other and different persons; and that the said former suit, so brought and prosecuted against the said defendants by the said plaintiff as aforesaid, is still depending in the said district court of Alleghany county; and this the said defendants are ready to verify. Wherefore they pray judgment of the said writ and proceedings in this suit, and that the same may be quashed, &c.

JAMES R. SNOWDEN,
Att'y for Penn. Railroad Co., (*defendants in this suit.*)

James R. Snowden, attorney for defendants in the foregoing case,

maketh oath and saith, that the foregoing plea is true in substance and fact.

JAMES R. SNOWDEN.

Sworn and subscribed before me, this 5th day of Jan'y, A. D. 1852.

H. SPROUL,
U. S. Commisioner.

And afterwards, to wit, on the seventh day of January, A. D. 1852, the plaintiff, by his attorney, T. J. Fox Alden, esq., files the following demurrer:

PIERRE CLAUDE PIQUIGNOT, a citizen of France, vs. THE PENNSYLVANIA RAILROAD COMPANY. } No. 12, of May term, 1852.

In the circuit court of the United States, for the western district of Pennsylvania.

And the said plaintiff saith, that the said plea of the said defendants, and the matters therein contained, in manner and form as the same are above pleaded and set forth, are not sufficient in law to quash the said writ, and that the said plaintiff is not bound by the law of the land to answer thereto; and this he is ready to verify. Wherefore, for want of a sufficient plea in this behalf, the said plaintiff prays judgment, and that the said defendants may answer further to the said declaration, &c.

Issue joined upon the demurrer.

1852, January 13 and 14, argued, and on the 17th judgment upon the demurrer in favor of the defendants.

Whereupon the plaintiff sues out the following writ of errors, which was allowed by the court, and citation issued to the defendants.

The President of the United States, to the judges of the circuit court of the United States, holden in and for the western district of Pennsylvania, in the third circuit, greeting.

Because that, in the record and process, and also in the rendering of judgment, in a suit before you, or some of you, between Pierre Claude Piquignot, a citizen of France, plaintiff, and the Pennsylvania Railroad Company, defendants, in a plea in abatement, a manifest error has intervened, to the great damage of the said Pierre Claude Piquignot, as in his complaint has been stated; and as it is just and proper that the error, if any there be, should be corrected in due manner, and that full and speedy justice should be done to the parties aforesaid in this behalf; you are hereby commanded, that if judgment thereof be given, then you, under your seal, *you* do distinctly and openly send the record and process in the suit aforesaid, with all things concerning them, and this writ, so that you have the same before the chief justice and the associate justices of the Supreme Court of the

United States forthwith, at Washington city, being the present seat of the National Government, that the record and process aforesaid being inspected, the[y] may cause to be done thereupon what of right ought to be done.

Witness the honorable Roger B. Taney, esquire, chief justice of the said Supreme Court, at Washington aforesaid, this 14th day of February, one thousand eight hundred and forty-two, and of the independence of the United States the seventy-sixth.

[L. S.]

H. SPROUL, *Clerk*.

Copy of citation.

THE UNITED STATES OF AMERICA,
Western district of Pennsylvania, ss.

The President of the United States, to the marshal of the western district of Pennsylvania, greeting.

Whereas Pierre Claude Piquignot, a citizen of France, has this day sued out his writ of error to a certain judgment in a certain action on the case rendered against him on the seventeenth day of January, A. D. 1852, in the circuit court of the United States, for the western district of Pennsylvania, in the third circuit, by the Pennsylvania Railroad Company, the defendants, returnable in the Supreme Court of the United States forthwith; these are therefore to command you, that you make known to the said Pennsylvania Railroad Company that they be and appear to the said writ of error in the said Supreme Court forthwith, to hear an assignment of error thereof; and herein fail not, at your peril.

And how you shall have executed this citation, and make return to our clerk of our said court for the western district of Pennsylvania, at Pittsburgh.

Witness the honorable Thomas Irwin, esquire, judge of the United States for the western district of Pennsylvania, at Pittsburgh, this 14th day of February, A. D. 1852, and of the independence of the United States the seventy-sixth.

Signed, TH. IRWIN, *D. J.* [SEAL.]

UNITED STATES OF AMERICA,
Western district of Pennsylvania, ss.

I, Henry Sproul, clerk of the circuit court of the United States, for the western district of Pennsylvania, do hereby certify, that the foregoing is a true and correct copy of the record and proceedings in the case of Pierre Claude Piquignot, a citizen of France, vs. the Pennsylvania Railroad Company, No. 12, of May term, A. D. 1852.

In testimony whereof I have hereunto set my hand, and affixed the seal of the said court, at Pittsburgh, this 14th day of February, in the year of our Lord one thousand eight hundred and fifty-two, and of the independence of the United States the seventy-sixth.

[L. S.]

H. SPROUL, *Clerk*.

STATE OF MISSOURI, *sct.*

Be it remembered, that on the eighteenth day of August, A. D. 1846, there was filed in the office of the clerk of the supreme court of the State of Missouri a transcript of the record and proceedings of the Ralls circuit court, in a cause lately pending in said court, wherein Auguste Fremon Delauriere was plaintiff, and Thomas Emison was defendant, which said transcript is in the words and figures following, to wit:

STATE OF MISSOURI, *sct.*

The State of Missouri, to the judges of the third judicial circuit in said State, greeting:

Whereas, in the record and proceedings in a certain cause lately pending in the circuit court, within and for the county of Ralls, in said circuit, wherein Auguste Fremon Delauriere is plaintiff, against Thomas Emison, defendant, manifest error hath intervened to the great damage of the said plaintiff, as by his complaint we are informed; now we being willing that the error, if any there be, should be corrected, and full and speedy justice done to the parties aforesaid in that behalf, command you that you send to us, certified under your seal, the record and proceedings in the cause aforesaid, as fully as the same remain of record before you in said court, so that we may have them before us at our supreme court, to be begun and held at the city of Jefferson, in the county of Cole, in said State, on the first Monday in July next, so that our judges of our supreme court, on inspecting the record and proceedings aforesaid, may cause to be further done therein, for correcting the error, what of right and according to law ought to be done.

Witness Hampton L. Boon, clerk of our said supreme court,
[L. S.] at office, in the city of Jefferson, the first day of May, in the year of our Lord one thousand eight hundred and forty-six.

H. L. BOON.

I, John Ralls, clerk of the Ralls circuit court, hereby return this writ of error, with the transcript of the record and proceedings in the above entitled cause.

Witness my hand as clerk aforesaid, and the judicial seal
[L. S.] of the said circuit court, at office in New London, the 19th day of June, A. D. 1846.

JOHN RALLS, *Clerk.*

(For plat, see original page 3.)

SURVEYOR'S OFFICE, ST. LOUIS,
22d October, 1836.

The above plat of survey, No. 3243, of 1,000 arpens of land con-

firmed in townships 55 and 56, north of the base line, range 5 west, of the 5 principal meridian, to Charles Fremon Delauriere and Louis Labaume, or their legal representatives, by the act of Congress of the 4th of July, 1836, under decision No. 119, of the late board of commissioners, and showing the connexions of said survey with the adjoining public and private surveys, is correctly copied from the approved plat in his office.

F. R. CONWAY,
Surveyor of the public lands in the States of Illinois and Missouri.

STATE OF MISSOURI,
County of Ralls.

Be it remembered, that heretofore, to wit, on the seventeenth day of March, in the year of our Lord eighteen hundred and forty-five, there was filed in the office of the clerk of the Ralls circuit court, within and for the said county of Ralls, in vacation of the court, a declaration in the words and figures following, (viz.)

COUNTY OF RALLS, *ss.*

In the circuit court of Ralls county, April term, A. D. 1845.

Auguste Fremon Delauriere, by Fremon and Reber, his attorneys, complains of Thomas Emison, of a plea of trespass and ejectment, for that whereas the said plaintiff heretofore, to wit, on the tenth day of March, in the year eighteen hundred and forty-five, was entitled to the possession of the following described tract, piece or parcel of land, situated and being in the county aforesaid, that is to say, the southeast quarter of section number three, in township number fifty-five north, of range number five west, of the fifth principal meridian, containing one hundred and sixty acres, and being so entitled to the possession thereof the said defendant afterwards, to wit, on the day and year aforesaid, entered into said premises, and unlawfully withheld, and still unlawfully withholds from the said plaintiff, the possession thereof, to the damage of the said plaintiff one thousand dollars, therefore he brings his suit, &c.

AUGUSTE FREMON DELAURIERE,
By FREMON & REBER, *his attorneys.*

And afterwards, to wit, on the said 17th day of March, A. D. 1845, there was issued out of the office of the clerk of the said court a writ of summons in this cause, in the words and figures following, to wit:

STATE OF MISSOURI,
County of Ralls.

The State of Missouri, to the sheriff of the county of Ralls, greeting:

We command you to summon Thomas Emison, that he be and appear in the Ralls circuit court, on the first day of the next April term

of our said circuit court, which will be begun and held at the court-house, in the town of New London, within and for the said county of Ralls, on the first Monday in April next, then and there, in our said court, to answer the complaint of Auguste Fremon Delauriere, as stated in the annexed and foregoing declaration the said plaintiff hath therein complained against the said defendant, Thomas Emison. This you shall in no wise omit, and have you then and there this writ, and how [you] have served the same duly certified to our said court.

Witness John Ralls, clerk of our said circuit court, and the judicial seal thereof, hereunto affixed by him at office in New London, at [L. S.] the county aforesaid, this 17th day of March, A. D. 1845.

JOHN RALLS, *Clerk*.

And on the 20th day of March, A. D. 1845, the sheriff returned said writ, with the following endorsement thereon, to wit:

I executed this writ by reading the foregoing declaration, and the within writ to the within named Thomas Emison, in Ralls county on the 20th day of March, A. D. 1845.

JOHN JAMISON
Sheriff, Ralls county.

Filed on return the 20th March, 1845.

JOHN RALLS, *Clerk*.

And at a term of the said circuit court, begun and held at the court-house, in the town of New London, within and for said county, on the first Monday in April, A. D. 1845, on the second day of said term, the following proceedings *was* had in said cause, to wit:

AUGUSTE FREMON DELAURIERE, plaintiff,
vs.
THOMAS EMISON, defendant. } Ejectment. No. 235.

Plea of not guilty filed in this cause, and continued; which said plea is in the words and figures following, to wit:

AUGUSTE FREMON DELAURIERE, plaintiff,
vs.
THOMAS EMERSON, defendant.

Action of ejection—Ralls circuit court, April term, 1845.

And the defendant, Thomas Emerson, by his attorney, comes and defends the wrong and injury in said plaintiff's declaration alleged, and says that he is not guilty of unlawfully withholding the premises from the plaintiff, as alleged against him; and of this he puts himself upon the country.

L. W. WATKINS,
Attorney for def't.

Filed in open court, 8th April, 1845.

JOHN RALLS, *Clerk*.

At a term of the said circuit court, begun and held on the fourth Monday in October, A. D. 1845, on the third day of said term, the following proceeding was had in said court, to wit:

AUGUSTE F. DELAURIERE, plaintiff,
vs.
THOMAS EMISON, defendant. } Ejectment. No. 235.

The said defendant, by Thomas L. Anderson, his attorney, appears here in court, and cause being shown on the affidavit of the said defendant, on his motion this cause is continued at his costs.

It is therefore considered by the court, that the said Auguste F. Delauriere do have and recover against the said Thomas Emison his costs and charges by him in this cause incurred, and may have therefor execution.

Which affidavit is in these words and figures, to wit:

EMISON
ads. } Action of ejectment, August term, A. D. 1845.
DELAURIERE.

And now, at this day, comes the said defendant, Thomas Emerson, who makes oath that he is not prepared for the trial of the above entitled cause, for the following reasons, viz:

That he is informed by his counsel, and believes, that there are certain documents necessary to be procured from the register's office at Palmyra, Missouri, in order to perfect his title to the land for which he is sued. He is also informed by his counsel, and believes, that it is likewise necessary for him to take depositions of absent witnesses, to establish the dates of certain papers that were destroyed at the burning of the State-house at Jefferson city some years ago. He is also informed by his counsel, and believes, that there are certain books containing acts of the legislature of this State necessary to his defence, that his counsel have not been able to procure here, nor can they now procure them.

This affiant states, that he was not advised or informed, nor did he know, that these papers or books above mentioned were necessary, in order to protect his rights; that having in his possession a patent from the State of Missouri for the land sued, he supposed that that would protect him against the plaintiff, without the papers above named; that he spoke to counsel at the last term of this court, but made no definite arrangement with them, for the reason that he supposed that there was but little preparation necessary to be made, and that they would make it; but he now learns that the arrangement, in their estimation, was not sufficiently definite. Now this affiant states that he cannot, for the reasons aforesaid, go into the trial of this cause without hazarding the loss of his only farm, purchased of the State of Missouri 14 or 15 years ago, and paid for. That he has used due diligence to prepare for the trial of this cause; that, since the last term of the court, he has sent a messenger to St. Louis to examine his title; that he has procured certain papers from Washington city, which he learned *was* necessary;

and that he would have procured all the testimony mentioned in this affidavit had he heretofore known it was necessary.

He does not ask this continuance for the purpose of vexation or delay, for he pressed his counsel to try at this term, until they assured him that his land would be inevitably lost without the preparation heretofore stated in this affidavit; that he believes that he can procure the necessary documents and laws by the next term of this court; that he has a good defence to the plaintiff's claim, and that he is informed by his counsel, that if he procures the foregoing testimony there is not the slightest shadow of a doubt as to the validity of his title.

THOMAS EMISON.

Subscribed and sworn to in open court, this 29th Oct., 1845.

JOHN RALLS, *Clerk*.

Filed in open court, 29th October, 1845.

JOHN RALLS, *Clerk*.

Afterwards, at a term of said court begun and held at the same place, on the fourth Monday in March, A. D. 1846, to wit, on the second day of that term of the court, the following proceeding was had, to wit:

AUGUSTE FREMON DELAURIERE, plaintiff,
vs.
THOMAS EMISON, defendant.
} Ejectment. No. 235.

The said plaintiff, by Carty Wells and Dubuffay Fremon, his attorneys, and the said defendant, by Luke W. Watkins, John D. S. Dryden, and Thomas L. Anderson, appear here in court; a jury being required and ordered by the court, come as follows, to wit: Robert W. Hicklin, Samuel G. Ewing, Charles Kennedy, Benjamin A. Spalding, Edmund Bailey, William Newland, Charles Rice, John M. Johnson, Lewis Garnett, Charles B. Clark, Joseph R. Hopson, and Alexander Wilson, twelve good and lawful men of the county of Ralls, being elected, tried, and sworn, well and truly to try the issue joined in this cause between the parties aforesaid, and a true verdict to give according to law and evidence, upon their oath say, that the said defendant is not guilty in manner and form as above alleged against him by the said plaintiff.

It is, therefore, considered by the court, that the said Thomas Emison do have and recover against the said Auguste Fremon Delauriere, his costs and charges by him in his defence in this behalf incurred, and have therefor his execution.

And on the 27th day of March, A. D. 1846, the following proceeding was had, to wit:

AUGUSTE FREMON DELAURIERE, plaintiff,
vs.
THOMAS EMISON, defendant.
} Ejectment. No. 235.

The parties aforesaid appear here in court, and the said plaintiff files his motion to set aside the verdict rendered in this cause, and grant a

new trial; which is seen and examined. After being maturely considered, the said motion is overruled by the court; to which opinion of the court, in overruling said motion, the plaintiff excepts, and tenders his bill of exceptions to the court, and prays the court to allow and sign the same; which is done accordingly, and ordered to be made a part of the record in the cause.

Which said bill of exceptions is in these words and figures, to wit:

AUGUSTE FREMON DELAURIERE
vs.
THOMAS EMMERSON. } Ejectment, March term, 1846.

Be it remembered, that, at the above term, this cause was tried, and, upon the trial thereof, the plaintiff gave the following evidence:

A certified transcript from the recorder's office, of the confirmation of the claim of Louis Labeaume and Fremon Delauriere, in words and figures following, to wit:

To the recorder of land claims for the Territory of Louisiana.

Take notice, Charles Fremon Delauriere, for himself, and assignee of Louis Labeaume, claims 10,000 arpents of land, situated on Salt river, district of St. Charles, by virtue of a concession granted to Chas. Fremon Delauriere and Ls. Labeaume, by the lieutenant governor of Upper Louisiana, by Chas. Dehault Delasus, the 26th of March, 1801.

St. Louis, 30th of June, 1808.

FREMON DELAURIERE.

1. Don Zenon Trudeau, lieutenant de la partie des Illinois et est. en chef à St. Louis. Monsieur Ls. Lebeaume et Charles Fremon de Lauriere ont l'honneur de vous exposer que, desirant exploitier des salines, ils reclament de votre justice et de la bonté du Gouvernement dont vous étes ici le représentant, la permission d'aller visiter et examiner les lieux qui leurs paroitront les plus convenables à leur projèt, et d'y prendre la quantité de terre qui leur paroitra necéssarie pour faire cet establissement, de manière que leur choise fait et le local determine, ils puissent s'addresser à vous Monsieur, ou à votre successeur, pour en obtenir la concession et le titre de propriété; c'est une grace que les suppliants ozent esperer de votre bouté et de votre justice.

St. Louis, le 12 May, 1799.

LS. LEBEAUME,
FREMON DELAURIERE.

St. Louis, le 13 May, 1799. Soit fait comme il est réquis.

TRUDEAU.

1. Don Cs. DEHAULT DELASSUS,
Lieutenant gouverneur de la Haute Louisiane.

MONSIEUR: Charles Fremon Delauriere et Louis Labeaume ont l'honneur de vous exposer, q'en consequence de la demande qu'ils ont faite à Mr. l'intendant general de cette province, en datte du 22 No-

vembre, 1800, et en vertu de votre lettre d'office au dit sgn. intendant, en datte du 28 du même mois, pour laquelle vous autorisez les supts. à commencer leur traveaux, et à exploitier les salines qu'ils ont demandées, les supts. se sont de suite transportés sur les lieux avec les chaudières, les animaux, et autres ustencilles necessaries à cette exploitation, et sont parvenus à faire un sel très beau et très bon, jusqu'à présent preferable à tous les sels fabriques aux diverses salines exploitées dans cette haute Louisiane; les supts. encouragés par votre approbation, Monsieur, et par la preference que le publique a donné à leur sel, *confirment* leur exploitation, et vont l'ameliorer autant qu'il sera possible, malgre les dépènses pour l'importation de leurs, les dans le centre de la population; les supts. persuadés que la beauté et la richesse des terres de la rivière Ohaba, doivent sous pour attirer l'attention de ce gouvernement, ne voulant en aucune manière nuire n'y gêner la population qui nécessairement s'y portera, ayant de plus rempli les conditions qu'ils avoient proposés, et ayant transportés sur les lieux les chaudieres necessaires pour établir quatre ou cinq fourneau, vous prient de leur conceder dans cet endroit, appellé la saline ensenglantée la quantitée de cent arpens de terre quarrés, formant une superficie de dix milles arpents, et ordonner à Mr. L'arpenteur General de cette jurisdiction, de se transportés seules lieux à fin de mesurer la dite terre pour que les limites des supliants étant connues, les personnes auxquelles ils pourrait être concedées des terres dans cette partie, puissent placer sans empreter sur les droits des supliants, qui esperent meriter de plus en plus vos bontés et la protection qu'il vous a plu accorder à leur etablisement.

St. Louis, le 25 Mars, 1801.

LS. LABEAUME,
FREMON DELAURIERE.

St. Luis de Illinois, à 26 de Marze, 1801.

Constandome que los intresados han cumplido lo que exponen, habiendo ya trahido á qui muestras de la sal que es solve saliente á los demas que sale en poca cantidad, y mala de las otros salinas establecidas, y que los gastos que les ha ocasionado esta impresa dificil en un parage tan remoto de los establicimientos, y conveniendo povel bien general el que se establisea, aquel *citco Glasa* que los intresados puedan encontrar hombres para el fomento de esta fabrica de sal que saldra á beneficio de publico, les concedo la condito de tierra que solicitan como propriedad, á fin que puedan disponer de ella; falicitando en dicho parage remoto un establicimiento util á sus operaciones; y el agrimensor, Don Antonio Soulard, les pondras en possession de dichá cantidad sin que perjudique á nadre, y verbalizard su apeo á continuacion para que les serva á solicitar el titulo en forma del Sr. Intendente, á quien corresponde el conceder y repartier per r'l orden, clase de tierras realengas. CARLOS DEHAULT DELASSUS.

Reg'd pedimiento de las interesedas, lib'o No. 2, Fo. 35, 36, 37, 38.
SOULARD.

TERRITOIRE DE LA LOUISIANE,
District de St. Charles.

1o. NOTA. Située à environ 127 milles dans le N. O. de St. Louis, et á 11 dans C. O. de la rivière Mississippi arpente en vertu du décrèt du Int. Gen. le Col. Don Carlos Dehault Delassus, du 26 Mars, 1801.

[For plat see original, page 13.]

En mes ci-devant qualitées je certifie que le plan ci-dessus est une copie conforme à celui original qui est entre mes mains, signé par mon ci-devant deputé, Mr. Jacq'e Rankin, lequel arpentage a en lieu, en vertu du titre mantoiné ci-dessus, et à la reclamation de Mrs. Charles Fremond Delauriere et Ls. Labeaume, sous les ci-devant autorisées et n'a pu par diverses raisons de retard être praite sur les livres de plans d'arpentage à ma charge, et le certificat être expedié dans la forme ci-devant usitée. St. Louis, le 15 , 1807.

See record book D, pages 287, 288, and 289.

Translation of the foregoing.

To Don Zenon Trudeau, lieutenant governor of Illinois, and commander-in-chief in St. Louis.

SIR: Louis Labeaume and Charles Fremon Delauriere have the honor to state to you, that wishing to work some saline, they claim of your justice, and of the benevolence of the government which you represent, the permission to go to visit and examine the places which will appear to them most convenient to their project, and to take there the quantity of land which they will think necessary to make this establishment, so that when their choice is made, and the locality determined, they may apply to you, sir, or to your successor, to obtain the concession and title of property. It is a favor which the petitioners presume to hope from your goodness and justice.

ST. LOUIS, 12*th May*, 1799.

L. LABEAUME,
FREMON DELAURIERE.

ST. LOUIS, 13*th May*, 1799.

Be it done as required.

TRUDEAU.

To Don C. Dehault Delassus, lieutenant governor of Upper Louisiana.

SIR: Charles Fremon Delauriere and Louis Labeaume have the honor to state to you, that in consequence of the demand which they made to the intendant general of this province, dated 22d November, 1800, and by virtue of your official letter to the said intendant, dated

28th of the same month, by which you authorize the petitioners to begin the works, and to explore the salines, which they have solicited, the petitioners have immediately transported themselves on said place, with the cattle, kettles, and other utensils necessary to said employment, and have succeeded in making very fine and very good salt, and up to this day preferable to all the salt made at the several salines worked in this Upper Louisiana. The petitioners, encouraged by your approbation, sir, and by the preference which the public has given to their salt, continue their works, and are going to ameliorate them as much as possible, although they are at considerable expenses; and they find great obstacles to the importation of their salt to the centre of the population. The petitioners, persuaded that the beauty and richness of the lands of the river Ohaha must soon attract the attention of this government; not willing in any way to be prejudicial, or constrain the population, which will necessarily carry itself there; having, moreover, fulfilled the conditions which they proposed, and having transported on their place the kettles necessary to erect four or five furnaces, they supplicate you to grant them, at the place called La Saline Ensanglantee, (the bloody Saline,) the quantity of one hundred arpens square of land, making a superficie of ten thousand arpens, and to order the surveyor general of this jurisdiction to transport himself on the place for the purpose of measuring said land, so that the limits of the petitioners being known, persons to whom lands might be conceded in that part of the country may please themselves without encroaching on the rights of the petitioners, who hope every day to be more deserving your favors, and the protection which you have been pleased [to grant] to their establishment.

ST. LOUIS, *March* 25, 1801.

L. LABEAUME,
FREMON DELAURIERE.

ST. LOUIS OF ILLINOIS, *March 26th*, 1801.

Being satisfied that the interested have fulfilled what they state, having already brought here samples of the salt, which is a great deal preferable to the other salt made in small quantity and of bad quality in the other salines, and of the expenses occasioned to them by this difficult enterprise in a place so distant from the settlements, and being convenient to the general welfare that that place should be established to enable the interested to find men for the improvement of said salt works, which is beneficial to the public, I do grant to them the quantity of land solicited by them, as their property, that they may dispose of it to facilitate in that remote place or settlement necessary to their operations; and the surveyor, Don Antonio Soulard, shall put them in possession of said quantity, without being prejudicial to any person, and shall make a process verbal of his survey, to serve to them in soliciting the title in form from the intendant, to whom corresponds the granting and distributing by royal order all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered at the desire of the interested, book No. 2, pages 35, 37. SOULARD.

Surveyed by virtue of the decree of the lieutenant governor, Colonel Don Carlos Dehault Delassus, dated 26th March, 1801. In my former quality (of surveyor general) I do certify, that the foregoing plat of survey is a true copy of the original, which is in my hands, signed by my ex-deputy, Mr. James Rankin, which survey has been taken by virtue of the title here above mentioned, and at the request of Messrs. Charles Fremon Delauriere and L. Labeaume, under the former authorities, and could not be entered, by various reasons of delay, on the books (record) of plats of surveys under my charge, and that the certificate could not be expedited in form heretofore customary.

St. Louis, 15*th November*, 1807.

ANTONIO SOULARD.

Evidence with reference to minutes and records.

Friday, December 27th, 1811.

Board met. Present, John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles Fremon Delorare and Louis Labeaume, claiming ten thousand arpens of land, situate [in] Salt river district of St. Charles, produces record of permission from Zenon Trudeau, l. g., to choose a salt spring, dated 13th May, 1799. Record of a concession from Charles D. Delassus, l. g., dated 26th March, 1801. Record of a plat of survey, signed Antonio Soulard, dated 15th November, 1807. It is the opinion of a majority of the board that this claim ought not to be confirmed.

Frederick Bates, commissioner, forbears giving an opinion.

Board adjourned till Monday next, nine o'clock, a. m. John B. C. Lucas, Clement B. Penrose, Frederick Bates. See commissioners' minutes' book, No. 5, pages 540, 545, and 546.

Wednesday, November 21st, 1832.

The board met pursuant to adjournment.

Present, Lewis F. Linn, F. R. Conway, commissioners.

Decision No. 119, page 324.

Charles Fremon Delauriere, for himself, and as assignee of Louis Labeaume, by his legal representatives, claiming 10,000 arpens of land, (see record book D, pages 287, 88, 89, and 290, book No. 5, page 545,) produces a paper purporting to be the petition of Louis Labeaume and Fremon Delauriere, dated 7th May, 1799, to Don Zenon Trudeau, lieut. gov'r, and the concession of said Trudeau, dated 13th May, 1799; also a paper purporting to be the petition of said Labeaume and Fremon Delauriere, dated 25th March, 1801, to Don

2604.

Carlos Dehault Delassus, lieut. governor of Louisiana; also the concession of said Delassus, dated 26th March, 1801, registered by Soulard, record book D, pages 288, 289; also a plat and certificate of survey, signed by Antoine Soulard. See book D, p. 288.

Albert Tison being duly sworn saith, that the signatures to petition are in the respective handwriting of Louis Labeaume and Fremon Delauriere; that the signature to first concession is the handwriting of Trudeau; that the signatures to second petition are in the respective handwriting of Louis Labeaume and Fremon Delauriere, and the signature to second concession is in the handwriting of C. D. Delassus.

David Delauny being duly sworn saith, that the signatures to second petition and concession are in the respective handwriting of the three individuals who signed them; that the signature to plat and certificate of survey is the handwriting of A. Soulard, and that the signature to the affidavit by James Rankin on the back of said plat of survey is in the handwriting of said Rankin. Claimant produces also a paper purporting to be a deed of conveyance from Louis Labeaume to F. Delauriere, recorded book D, pages 289 and 290. David Delauny saith, that the signatures to said deed are in the handwriting of L. Labeaume and F. Delauriere. Albert Tison said, that he was present when James Rankin survey the said 10,000 arpens of land at the time stated in the affidavit; that he saw the salt furnaces in operation by Fremon Delauriere; that the family of said Delauriere had been residing on said Saline since either 1801 or 1802.

In fact a long time before the land was surveyed, at least two years before, that they made a great quantity of salt at said works for the supply of the inhabitants; that they sustained losses of salt by boats upsetting in the Mississippi, and more yet in Salt river itself; that at the beginning of their undertaking, there was great danger on account of the Indians; that they were obliged to fortify themselves; had a piece of cannon, and were several times threatened of being attacked; that the place where they made salt was the extreme frontier of the settlements; that by their undertaking Fremon Delauriere was reduced to poverty. See commissioners' minutes' book, pages 31, 32, and 33.

Wednesday, November 13th, 1833.

The board met pursuant to adjournment. Present, L. F. Linn, A. G. Harrison, F. R. Conway, commissioners; 119, Charles Fremon Delauriere for himself, and as assignee of Louis Labeaume, claiming 10,000 arpens of land. See pages 32 of this B. K.

The board are unanimously of opinion that this claim ought to be confirmed to the said Charles Fremon Delauriere and L. Labeaume, or their legal representatives, according to the concession. See commissioners' minutes' book, No. 6, pages 323 and 324.

Conflicting claims.

James Hurley and James Small, by letter, dated 16th May, 1833, inform the board that James Hurley owns 80 acres of land lying on

said claim by purchase from the United States, as per patent dated June 1, 1829; the said 80 acres is lot No. 5, in northeast fractional ¼ of sec. 3, T. 55, R. 5 W., and that James Small is also owner of 80 acres of land, lot No. 4, in northeast fractional ¼, sec. 3, T. , R. 5 W., as per certificate of the land office at Palmyra, dated 10th December, 1828, No. 1065; both lots of 80 acres each said to lie on the above claim.

James Emeson and John Krigbaum, by letter, dated May 29th, 1833, state to the board, that they have purchased of the United States the following tracts of land, said by them to lie on the above named C. F. Delauriere's claim, to wit, southeast ¼ of sec. 3, T. 55, R. 5, 160 acres; east ½ of the southwest ¼, sec. 3, T. 55, R. 5, 80 acres; lot No. 1 in the northwest ¼, sec. 3, T. 55, R. 5, 80 acres; west ½ of southwest ¼, sec. 3, T. 55, R. 5, 80 acres; and the west ½ of the southeast ¼, sec. 4, T. 55, R. 5, 80 acres.

A. G. HARRISON,
L. F. LINN,
F. R. CONWAY.

OFFICE OF THE RECORDER OF LAND TITLES,
St. Louis, Missouri, August 2d, 1845.

I, Loren Spencer, recorder of land tiles in the State of Missouri, do hereby certify, that the foregoing is a full, true, and complete transcript from the books and documents on file in this office; and that a true (and perfect copy of the translation of the French and Spanish, as translated by Julius de Munn, at St. Louis, the 17th of December, 1832, is included in this transcript, immediately following the original languages,) in relation to the claim of Charles Fremon Delauriere and Louis Labeaume, for the 10,000 arpens of land therein described; that the claim of 10,000 arpens was recommended for confirmation by the recorder of land titles in the State of Missouri, and the two commissioners associated with him under the provisions of the act of Congress of the 9th of July, 1832, entitled "an act for the final adjustment of private land claims in Missouri," and the act supplemental thereto of the 2d March, 1833, in their report to the Commissioner of the General Land Office of the 27th November, 1833, and numbered in said report one hundred and nineteen, (119,) which report was confirmed by act of Congress of the 4th of July, 1836, remaining on file, as far as said report relates to the claim of Charles Fremon Delauriere and Louis Labeaume for the 10,000 arpens aforesaid.

LOREN SPENCER,
U. S. recorder of land titles in the State of Missouri.

A deed from Louis Labeaume to Fremon Delauriere, dated 15th July, 1806, marked in the deposition E, No. 5, in words and figures following, to wit: It is agreed that the following translation shall be used instead of the original, which is in the French language—E, No. 5:

Be it known to all those who shall see these presents, that I, Louis

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Labaume, inhabitant of the district of St. Louis, territory of Louisiana, have ceded, quitted, transferred, abandoned, and exchanged, as by these presents I do cede, quit, transfer, abandon, and exchange, unto Mr. Charles Fremon Delauriere, here present and accepting, stipulating for himself, his heirs, and assigns, all the right, title, action, possession, and property which I have to the half of a concession of ten thousand arpens of land, situated on the river Ohaha, conceded to Louis Labeaume and Charles Fremon Delaurie by the lieutenant governor of Upper Louisiana, Don Charles Dehault Delassus, the twenty-fifth day of November, in the year 1801, in virtue of a permission of the said Lieutenant Governor, as it appears by his official letter to Mr. Lieutenant General, dated the 28th November, 1800. The present deed of exchange, transfer, abandonment, and cession, made for and in consideration of a concession of ten thousand arpens of land, situate and surveyed near the Prairie à Rondo, called Richwood; the said land conceded to the said Mr. Charles Fremon Delauriere by the lieutenant governor of Upper Louisiana, Don Zenon Trudeau, the 17th of February, in the year 1797; which title of concession and deed of sale the said Fremon Delauriere has just remitted and delivered to me as I acknowledge, and for which I give him full and entire acquittance and discharge, by means whereof I divest myself of all the right, title, action, possession, and property which I have to the concession of land above named, without any reservation whatever. I cede, quit, transfer, and abandon, in exchange the same to the said Fremon Delauriere, that he may enjoy, dispose of, sell, or alienate the same at his pleasure, and as of things to him belonging, without any pretension or claim whatever from me, my heirs, or assigns, ever hereafter to be made or set up; for it has thus been covenanted and agreed upon, and in faith of which I have signed the present deed with the said Fremon Delauriere, for the part which concerns him at St. Louis, the fifteenth day of July, in the year one thousand eight hundred and six.

LOUIS LABEAUME.
FREMON DELAURIERE.

Witness—JACQ. DE ST. VRAIN,
F. M. BENOIST.

Before the undersigned, one of the judges of the court of common pleas and quarter sessions, for the district of St. Louis, territory of Louisiana, appeared the above signed Louis Labeaume and Fremon Delauriere, who acknowledged that the above deed was their deed which contained their will, and that as such it might be recorded.

In testimony whereof I have signed and sealed this present the 23d June, 1808.

BERNARD PRATTE. [SEAL.]

TERRITORY OF LOUISIANA,
District of Saint Louis, sct.

Recorded the deed of exchange of the other side, between Fremon

Delauriere and Louis Labeaume this twenty-sixth day of June, 1808—book B, pages 73 and following.

P. PROVENCHERE,
Deputy recorder.

The foregoing is a correct translation of the deed from Louis Labeaume to Charles Fremon Delauriere, referred to and marked in the deposition of Pascal Cerre as document E, No. 5.

The original petition of Louis Labeaume and Fremon Delauriere, to Zenon Trudeau, dated 12th May, 1799; the permission of Trudeau, dated 13th May, 1799; the petition for a concession, dated 25th March, 1801; and the concession dated 26th March, 1801. It is agreed that the above are originals, and that they shall not be copied into this bill of exceptions, they being in the French and Spanish language, and there being translated copies thereof contained in the record of confirmation above set out. The deposition of Paschal Cerre, the exhibits are left out by agreement, copies thereof being in the above record of confirmation.

Depositions of witnesses produced, sworn, and examined at the office of George A. Hyde, in the city of St. Louis, county of St. Louis, and State of Missouri, before me, George A. Hyde, a justice of the peace, in and for the county and State aforesaid, to be read in evidence in a certain cause now pending in the circuit court of Ralls county, State of Missouri, wherein Auguste Fremon Delauriere is plaintiff, and Thomas Emison is defendant, on the part of the plaintiff.

Pascal Cerre, of lawful age, being produced, sworn, and examined on the part of the plaintiff, deposeth and saith: "I am familiarly acquainted with the signatures of Louis Labeaume, Fremon Delauriere, and Zenon Trudeau; I have frequently seen each of them write his name; I have examined the written document hereto attached, marked A, No. 1; the signatures thereto I know to be genuine signatures of Louis Labeaume, Fremon Delauriere, and Trudeau. I am also familiarly acquainted with the signatures of Carlos Dehault Delassus and Soulard. I have examined the written documents hereto attached, marked B, No. 2, and C, No. 3; the signatures thereto attached are the genuine signatures of Louis Labeaume and Fremon Delauriere; and the signatures to the document marked C, No. 3, are the genuine signatures of Carlos Dehault Delassus and Antoine Soulard. Charles Dehault Delassus was lieutenant governor of Upper Louisiana on the twenty-sixth day of March, eighteen hundred, and continued to act as such up to the tenth day of March, eighteen hundred and four. Antoine Soulard was surveyor general of Upper Louisiana during the whole of that time. I am acquainted with the signature of James Rankin. I have examined the written document hereto attached, marked D, No. 4; the signatures thereto are the genuine signatures of Antoine Soulard, and James Rankin. I know that James Rankin was a deputy surveyor under Antoine Soulard, and, to the best of my recollection and belief, he was acting as such deputy on the 2d day of

2666.

January, eighteen hundred and four. James Rankin is long since dead. I am acquainted with the signatures of Jacques de St. Vrain and Francis M. Benoist. I have examined the written document hereto attached, marked E. No. 5. The signatures thereto attached are the genuine signatures of Louis Labeaume, Fremon Delauriere, Jacques de St. Vrain, and F. M. Benoist. Jacques de St. Vrain and F. M. Benoit are both dead. Antoine Soulard is dead more than twenty years ago. The signature to the document marked D, No. 4, is the genuine signature of F. M. Guyol. I reside in the city of St. Louis, in the State of Missouri.

CERRE.

STATE OF MISSOURI,
County of St. Louis, ss.

I, George A. Hyde, a justice of the peace, in and for said county, hereby certify, that Pascal Cerre, the deponent, whose place of residence is the city of St. Louis, Missouri, was by me sworn to testify the whole truth of his knowledge touching the matter in controversy in the cause aforesaid, that he was examined and his examination reduced to writing, and by him subscribed before me and in my presence, on the eighteenth day of August, eighteen hundred and forty-five, between the hours of six o'clock in the forenoon, and six o'clock in the afternoon of that day, at the office of George A. Hyde, in the city of St. Louis, county of St. Louis, State of Missouri. And I further certify, that the written documents hereto attached, marked A, No. 1, B, No. 2, C, No. 3, D, No. 4, E, No. 5, are the same documents exhibited to said deponent on his examination, and referred to by him in his deposition.

Given under my hand this eighteenth day of August, 1845.

GEORGE A. HYDE,
Justice of the peace, St. Louis county, Missouri.

A.

Record and deed, as follows, to wit:

STATE OF MISSOURI, *county of St. Louis, ss.*

Be it remembered that heretofore, to wit, on the twenty-ninth day of August, A. D. eighteen hundred and twenty-six, there was filed in the office of the clerk of the St. Louis circuit court, within and for the county aforesaid, a declaration and plea in confession, in the words and figures following, viz:

Declaration.

STATE OF MISSOURI.

In the circuit court of the county of St. Louis, in said State, of the term of July, in the year one thousand eight hundred and twenty-six.

ST. LOUIS COUNTY, *ss.*

William Russell, plaintiff, by Rufus Easton, his attorney, complains of Charles Fremon Delauriere, the defendant in this suit, of a plea that he render to the said plaintiff the sum of two thousand and twenty-eight dollars and sixty cents, of lawful money of the United States of America, which he owes to and unjustly detains from him. For that whereas the said defendant, on the twenty-ninth day of August, in the year of our Lord one thousand eight hundred and twenty-six, at the city of St. Louis, in the county of St. Louis aforesaid, made his certain writing obligatory, under his hand and seal of that date, and which is to this court here shown, acknowledged himself to owe, and promised to pay, unto the said plaintiff, the sum of two thousand and twenty-eight dollars and sixty cents above demanded, yet the said defendant, although often requested so to do, has not as yet paid the said sum of two thousand and twenty-eight dollars and sixty cents above demanded, or any part thereof, to the said plaintiff, but he, the said defendant, to pay the same to the said plaintiff, hath hitherto wholly neglected and refused, and still doth neglect and refuse so to do, to the damage of the said plaintiff of three thousand dollars, and therefore he brings this suit.

R. EASTON,
Plaintiff's attorney.

Plea of confession.

And the said Charles Fremon Delauriere, in his own proper person, comes and says, that he cannot deny the right of action of the above named William Russell to the said sum of two thousand and twenty-eight dollars and sixty cents above demanded, and that the said William Russell has sustained damages by occasion of the detention of the said debt above demanded to the amount of six cents, besides his costs and charges by him in this behalf laid out and expended; for which said debt, damages, and costs, he, the said Charles Fremon Delauriere, doth confess judgment; and it is agreed between the parties hereto, that execution shall be stayed for three years from the filing of the declaration in this case.

FREMON DELAURIERE.

Teste—M. P. LEDUC, jr.

And on the same day and year last aforesaid, the following proceedings were had in this cause, to wit:

Judgment.

WILLIAM RUSSELL
vs.
CHARLES FREMON DELAURIERE.

Now at this day come the said plaintiff, by his attorney; and the said

Charles F. Delauriere, in his own proper person, comes and defends the wrong and injury when, &c., and says he cannnot deny the action aforesaid, nor but that he doth owe the said plaintiff the sum of two thousand and twenty-eight dollars and sixty cents, in manner and form as the said plaintiff hath in his declaration alleged against him. Therefore it is considered that the said William Russell recover against the said Charles Fremon Delauriere, his debt aforesaid in form aforesaid confessed, and also his costs and charges by him about his suit in this behalf expended, and that he have thereof execution. The parties agree to a stay of execution for three years.

And on the thirty-first day of August, A. D. [1826,] an execution was issued, in the words and figures following, viz:

Execution.

County of St. Louis, *ss.*

The State of Missouri, to the sheriff of the county of St. Louis, greeting:

Whereas, William Russell, at our circuit court, before our judges thereof, recovered against Charles Fremon Delauriere, the sum of two thousand [and] twenty-eight dollars and sixty cents, for his debt, and also his costs and charges by him about his suit in that behalf expended, which to the said William Russell were adjudged, as appears to us of record. These are therefore to command you, that of the goods and chattels, lands and tenements, of the said Charles Fremon Delauriere, in your bailiwick, you cause to be made the aforesaid debt and costs, that you have the same before the judge of our said court, on the fourth Monday of November next, to render to the said William Russell the debt and costs aforesaid. And for want of sufficient goods and chattels, lands and tenements, whereon to levy and make the same, we command you to take the said Charles Fremon Delauriere, if he be found in your bailiwick, and him safely keep, so that you have his body before the same judge on the said fourth Monday of November, to satisfy the said William Russell of the aforesaid debt and costs; and that you certify to our said judge how you execute this writ, and have then there this writ.

Witness Archibald Gamble, clerk of said court, at Saint Louis, this thirty-first day of August, in the year of our Lord one thousand eight and twenty-nine.

ARCHIBALD GAMBLE, *Clerk.*

Endorsement.

No. 9. St. Louis circuit court. November term, 1829.

William Russell vs. Charles F. Delauriere; judgment 29th August, 1826. Debt $2,028 60 cts.; clerk's fees, including tax, 2 95; attor-

ney Easton, 5 00—$2,035 55. Service and commission on $196, $7 86; advertisement 1 00.

Sheriff's return.

To satisfy this execution, I levied upon 800 arpens of land, and on 25th Nov., 1829, at the court-house door, in the city of St. Louis, agreeably to the annexed advertisement, I sold the same, (subject to all prior liens,) to Maximilian Auguste Delauriere, he being the highest and last bidder, for the sum of one hundred and ninety-six dollars; which, after deducting sixteen dollars $\frac{8}{100}$ cents, leaves the sum of one hundred and seventy-nine dollars $\frac{1}{100}$ [cents] to be applied towards satisfying the execution. Body of defendant exempt from arrest.

R. SIMPSON, *Sh'ff.*

Advertisement. Sheriff's sale.

In virtue and by authority of an execution issued from the office of the clerk of the circuit court of St. Louis county, and to me directed, in favor of William Russell against Charles F. Delauriere, I have levied upon and seized all the right, title, claim, interest, and estate of the said Charles F. Delauriere, in and to a tract of eight hundred arpens of land, situate on the waters of the river Des Perez, in the county of St. Louis, and State of Missouri, which tract of land was originally owned by François Coltar, and is survey No. 1947, in township 45 north, range 6 east, of the fifth principal meridian, being the same tract of land on which the said Charles F. Delauriere now resides; and will sell the same for ready cash, at the court-house door, in the city of St. Louis, on Wednesday, the 25th day of November, instant, between the hours of 9 and 5 o'clock of said day, to satisfy said execution and costs.

St. Louis, November 1st, 1829.

R. SIMPSON, *Sheriff.*

And on the twenty-sixth day of January, A. D. 1831, an execution was issued by the clerk of Ralls county, viz:

County of St. Louis, *ss.*

The State of Missouri, to the sheriff of the county of Ralls, greeting:

Whereas William Russell, at our circuit court, before our judge thereof, recovered against Charles F. Delauriere the sum of two thousand and twenty-eight dollars and sixty cents for his debt, and also his costs and charges by him about his suit in that behalf expended, which to the said William Russell were adjudged, as appears to us of record. These are, therefore, to command you, that of the goods and chattels, lands and tenements, of the said Charles F. Delauriere, in your bailiwick, you cause to be made the aforesaid debt and costs; that you have the same before the judge of our said court on the fourth Monday of

March next, to render to the said William Russell the debt and costs aforesaid. And for want of sufficient goods and chattels, lands and tenements, whereon to levy and make the same, we command you to take the said Charles F. Delauriere, if he be found in your bailiwick, and him safely keep, so that you have his body before the same judge, on the said fourth Monday of March, to satisfy the said William Russell of the aforesaid debt and costs, and that you certify to our said judge how you execute this writ; and have you then there this writ.

Witness Archibald Gamble, clerk of our said court, at St. Louis, this twenty-sixth day of January, in the year of our Lord one thousand eight hundred and thirty-one.

[SEAL.]

ARCHIBALD GAMBLE, *Clerk.*

Endorsement—

No. 27, March term, 1831, St. Louis circuit court, William Russell vs. Charles F. Delauriere; judgment 29th August, 1826; debt $2,028 60; cost of this writ $1 00; made on former execution, $179 19, $1850 41; sheriff's fees $1 00.

Sheriff's return.

On which the sheriff made his return in the words and figures following, to wit:

The within execution came to my hands on this the fifth day of February, in the year of our Lord eighteen hundred and thirty-one.

DABNEY JONES,
Sheriff of Ralls county, Missouri.

In obedience to the within writ I, Dabney Jones, sheriff of Ralls county, Missouri, have, this fifth day of February, in the year of our Lord eighteen hundred and thirty-one, levied the within writ of execution upon, and seized all the right, title, claim, estate, and interest of the said Charles F. Delauriere, in and to the following described tract of land, to wit: Ten thousand arpens of land, situate near to and adjoining the town of New London, in the county of Ralls, in the said State of Missouri, and about one hundred and twenty-seven miles northwest of the town of St. Louis, in said State, bounded, beginning at the southeast corner of the said tract; thence running north 15 degrees west, ten thousand perches; thence south 75 degrees west, ten thousand perches; thence south 15 [degrees] east, ten thousand perches; thence north 75 degrees east, to the place of beginning—being on the waters of Salt river, and includes the lick called Fremon's Salt Lick, and was granted and conveyed to Don Charles Fremon de Lauriere and Don Lewis Labeaume, by a decree of the late lieutenant governor of Upper Louisiana, of the 26th March, 1801, which said tract of land I, the said sheriff, did not make sale of, for want of time to advertise the sale thereof pursuant to law.

DABNEY JONES,
Sheriff of Ralls county.

Alias execution.

And on the ninth day of February, A. D. 1837, an alias execution was issued in the words and figures following, viz:

COUNTY OF ST. LOUIS, *sct.*

The State of Missouri, to the sheriff of the county of Ralls, greeting:

Whereas William Russell, on the twenty-ninth day of August, eighteen hundred and twenty-six, at our circuit court, before our judge thereof, recovered against Charles F. Delauriere the sum of two thousand and twenty-eight dollars [and] sixty cents for his debt, together with his costs by him about his suit in that behalf expended, which to the said William Russell were adjudged, as appears to us of record. These are therefore to command you, that of the goods and chattels, lands and tenements, of the said Charles F. Delauriere, in your bailiwick, you cause to be made the aforesaid debt and costs; that you have the same before the judge of our said court, on the second Monday of July next, to render to the said William Russell the debt and costs aforesaid, and that you certify to our said judge how you execute this writ; and have you then there this writ.

Witness John Ruland, clerk of our said court, at St. Louis, the ninth day of February, in the year of our Lord one thousand eight hundred and thirty-seven.

[SEAL.]

JOHN RULAND, *Clerk, C. C.*

On the back of the execution are, in the words and figures following, to wit: No. 91; St. Louis court, July term, 1837. William Russell vs. Charles F. Delauriere, fi. fa. Judgment 29th August, 1826. Debt $2,028 60; Clerk Gamble, 3. This writ paid by plaintiff, 1. $2,032 60 made on former execution, 23d November, 1829: $179 19, $1,853 41. Arst. of judgment and interest and costs, as marked above, $3,055 13. Sheriff's fee, levy 1 00, commission 64 10, $3,120 23.

Sheriff's sale. (Sheriff's sale.)

By virtue of an execution to me, the undersigned, sheriff of Ralls county, directed and delivered, in favor of William Russell and against Charles F. Delauriere, issued from the office of the clerk of the circuit court of St. Louis, on the 9th day of February, A. D. 1837; therefore I, the said sheriff, did levy said execution upon, and seized all the right, title, and interest of the said Delauriere, in and to the following described tracts of land, to wit: One ten thousand arpen tract, laying on Salt river, and containing Fremon's lick, granted to said Delaurie and Lewis Labaume, by Charles Dehault Delassus, on the 26th of March, 1801; also a tract of 800 arpens, granted to Frederick Dixon, bp Charles Dehault Delassus, on the 5th of June, 1802, and conveyed to said Delaurie 30th of June, 1803; also 800 arpens, being part of an undivided tract of 6,000 arpens granted to Antoine Flandren, lying on the right bank of the Grand Glaze, now called Spencer's creek; also

800 arpens on Salt river, granted to Joseph Marie 15th January, 1801, and conveyed by said Marie to said Delaurie, as will appear by record of St. Charles. A[l]so 200 arpens, it being a part of a 625 arpen tract granted to the said Delaurie in the year 1803, on the west bank of the Mississippi river, at a place called the Little Prairie, above the mouth of Salt river, which is now known as the Saverton tract; which land is situate, lying, and being in Ralls county; which land, with the appurtenances thereunto belonging, by virtue of said execution, I, the said sheriff, will expose to public sale, at the court-house door in said county, on the 8th day of March next, it being the third day of the circuit court in said county, between the hours of nine and five o'clock of said day, for ready money, to satisfy said execution, the same subject to all prior mortgages and decrees, &c.

February the 16th, 1837.

CHAPEL CASTARPHEN,
Sheriff, Ralls county.

MARCH 8*th*, 1837.

Sheriff's return.

The sheriff made return in the words and figures following, to wit:

This execution came to hand this 16th day of February, 1837. Chapel Castarphen, sheriff of Ralls county, levied the within execution on the following lands, to wit, one ten thousand arpen tract, lying on Salt river, and containing Fremon's lick, granted to Charles Fremon Delauriere and Louis Labaume by Charles Dehault Delassus, on the 26th March, 1801; also a tract of 800 arpens, granted to Frederick Dickson by Charles Dehault Delassus, on the 15th day of June, 1802, and conveyed to said Delauriere 30th June, 1803; also 800 arpens, being a part of an undivided tract of 6000 arpens granted to Antoine Flandrien, lying on the right hand bank of the Grand Glaze, now called Spencer's creek; also 800 arpens on Salt river, granted to Joseph Marie 15th January, 1801, and conveyed from said Marie to said Delauriere, as will appear by record at St. Charles; also 200 *hundred* arpens, it being a part of 625 arpen tract granted to said Delauriere in 1803, on the west bank of the Mississippi river, at a place called the Little Prarie, above the mouth of Salt river, which is *know* known as the Saverton tract, all situate, lying, and being in Ralls county, and State of Missouri, on this 16th day of February, A. D. 1837, and seized all the right, title, claim, estate, and interest of the within named Charles Fremon Delauriere, defendant in the within writ, and in the above tract of land, with the improvements thereunto belonging; and I did, agreeably to the above levy, advertise the same lands by putting up six written handbills in the most public places in Ralls county, and State of Missouri, on the 16th February, 1837, a copy of which notice is herewith returned, and made a part of this return.

February 16th, A. D. 1837.

CHAPEL CASTARPHEN,
Sheriff of Ralls county, Mo.

Agreeably to the above levy I, the said sheriff of said Ralls county, did, agreeably to the levy and advertisement of the above property levied on to satisfy this execution, sell to the highest bidder, at the court-house door in the town of New London, Ralls county, Missouri, on the eighth day of March, A. D. 1837, while the circuit court was sitting, all the right, title, claim, and estate, and interest of said Charles Fremon Delauriere, in and to the above described tracts of land and improvements, subject to all prior judgments, liens, and decrees; and Amaxamilia Fremon Delauriere was the highest and last bidder, at two thousand six hundred and seventy-five dollars, for the ten thousand arpens tract granted to Charles F. Delauriere and Louis Labaume; and Amaxamilia Fremon Delauriere was the highest and last bidder, at one hundred and twenty-four dollars, for the 800 arpens tract granted to Frederick Dickson; and William C. Duffield was the highest and last bidder, at sixty dollars, for eight hundred arpens of a 6000 arpen tract (undivided) granted to Antoine Flandrien; and Richard Matson was the highest and last bidder, at three hundred and ninety-nine dollars, for 800 arpens tract granted to Joseph Marie; and Elijah A. Haxall was the highest and last bidder, at twenty dollars, for 200 arpens of a tract of 625 arpens granted to Charles Fremon Delauriere; and for a full description of the above land refer to the above levy; therefore this execution is returned satisfied in full of debt, interest, and costs.

March 8th, A. D. 1837.

CHAPEL CARSTARPHEN,
Sheriff of Ralls county.

STATE OF MISSOURI, *St. Louis county, ss.*

I, John Ruland, clerk of the St. Louis circuit court, within and for the county aforesaid, certify the foregoing to be a full, true, and complete transcript of the record and proceedings in the case of Wm. Russell vs. Charles F. Delauriere, as fully as the same remains of record and on file in my office.

In testimony whereof I have hereto set my hand and affixed the seal of said court, at office, in the city of St. Louis, this 13th day of March, A. D. 1846.

[L. S.]

JOHN RULAND, *Clerk.*

Deed.

This indenture, made this 8th day of March, A. D. 1837, between Chapel Carstarphen, sheriff of the county of Ralls, in the State of Missouri, of the one part, and Auguste Fremon Delauriere, of the county of St. Louis, and State aforesaid, of the other part, witnesseth: That whereas an execution issued from the office of the clerk of the circuit court, within and for the county of St. Louis, and State aforesaid, on the 9th day of February, A. D. 1837, in favor of William Russell and against Charles F. Delauriere, for the sum of two thousand and twenty-eight dollars and sixty cents, for his debt, together with his costs by him about his suit in that behalf expended; said judgment

was entered on the 29th day of August, A. D. 1826, in the circuit court for the county of St. Louis, and State of Missouri, as appears from said execution. And whereas it was required in and by the said execution, that the sheriff of Ralls county aforesaid should, of the goods and chattels, lands and tenements, of the said Charles F. Delauriere, cause to be made the aforesaid debt and costs, and whereas the said execution, being directed to the sheriff of Ralls county aforesaid, came into the hands of the said Chapel Carstarphen, as sheriff of the county of Ralls as aforesaid, on the 16th day of February, A. D. 1837, and the said Chapel Carstarphen, as sheriff of said county of Ralls as aforesaid, did, on the 16th day of February, A. D. 1837, in virtue of the said execution, and by the authority in him vested as sheriff as aforesaid, levy upon the following property, to wit, ten thousand arpens, granted to said Charles F. Delauriere and Louis Labaume by Charles Dehault Delassus, on the twenty-sixth day of March, A. D. 1801, and bordering on Salt river, and also bordering on Derett Hubbard's eight hundred arpens tract confirmed, at the southwest corner, and on the east by William Jamison's eight hundred arpens tract confirmed, and including the saline know[n] and called by the name of Fremon's saline; also eight hundred apens granted to Frederick Dickson by Charles Dehault Delassus on the 5th day of June, A. D. 1802, and conveyed to said Delauriere by deed on the 30th day of June, A. D. 1803, (and other lands purchased by other persons, which will appear [by] reference being had to said execution, and a copy of the notice of sale of said lands being attached to and forming a part of this deed;) all of the lands situate, lying, and being in the county of Ralls, and State of Missouri; and did, on the 16th day of Feb., A. D. 1837, advertise that I would expose the same to sale on the 8th day of March, A. D. 1837, at the court-house door, in the town of New London, in said county of Ralls, for cash in hand, to the highest bidder; which advertisement was made by the said Carstarphen, as sheriff as aforesaid, by putting up six written handbills at six of the most public places in the county of Ralls aforesaid, that he would expose to sale, at public auction, the before mentioned and described property or lots of ground, taken as the property of the said Charles F. Delauriere, to satisfy the said debt and costs as aforesaid. And whereas the said Chapel Carstarphen, as sheriff as aforesaid, did, in pursuance and in virtue of the levy and advertisement aforesaid, and by the authority vested in him by law, openly and publicly, on the 8th day of March, A. D. 1837, at the door of the court-house of the county of Ralls aforesaid, and whilst the circuit court for that county was in session, offer the aforesaid property or lots of ground for sale; and the said Auguste Delauriere then and there became the purchaser of all the right, title, claim, and interest of the said Charles F. Delauriere, in and to the above mentioned lots of ground, to wit: One tract containing ten thousand arpens, and the other containing eight hundred arpens, both described as aforesaid, in the county of Ralls, and State of Missouri; and being the highest bidder for the sum of two thousand seven hundred and ninety-nine dollars, subject to all prior liens, judgments,

and decrees; and also then and there became the purchaser of all the right, title, claim, and interest of the said Charles F. Delauriere, in and to the above mentioned and described lots of ground, both containing ten thousand and eight hundred arpens, bounded and described as aforesaid; and the said Auguste F. Delauriere being the highest bidder for the sum of two thousand seven hundred and ninety-nine dollars as aforesaid, subject to all prior liens, judgments, and decrees. Now this indenture witnesseth, that the said Chapel Carstarphen, sheriff of the said county of Ralls, and State of Missouri, for and in consideration of the premises aforesaid, and the said sum of two thousand seven hundred and ninety-nine dollars, the amount of purchase money as aforesaid to him in hand paid, the receipt whereof is hereby acknowledged, hath bargained and sold, and do by these presents grant, bargain, and sell unto the said Auguste F. Delauriere, his heirs and assigns forever, all the right, title, claim, and interest of the said Charles F. Delauriere, in and to the before mentioned and described lots of land as aforesaid, with all and singular the premises and appurtenances thereunto belonging, or in anywise appertaining, to him, the said Auguste F. Delauriere, his heirs and assigns forever; and the said Chapell Carstarphen, sheriff of said county of Ralls, for himself doth hereby agree to warrant and defend the right and title of the said Charles F. Delauriere, in and to the before mentioned lots of ground and premises thereunto belonging, unto the said Auguste F. Delauriere, and his heirs and assigns, so far only as he is bound by law to warrant and defend, acting as sheriff as aforesaid; and it is expressly understood that the said Chapel Carstarphen, sheriff as aforesaid, executes this deed, and transfers all the right, title, claim, and interest of the said Charles F. Delauriere, and not in his individual capacity, unto the said Auguste F. Delauriere, his heirs and assigns forever, (a copy of the notice of land made as aforesaid.)

Sheriff's sale.

By virtue of an execution to me, the undersigned sheriff of Ralls county, directed and delivered, in favor of William Russell and against Charles F. Delauriere, issued from the office of the clerk of the circuit court of St. Louis, on the 9th day of February, A. D. 1837; therefore I, the said sheriff, did levy said execution upon, and seized all the right, title, and interest of the said Delauriere, in and to the following described tracts of land, to wit: One ten thousand arpen tract, laying on Salt river, and containing Fremon's lick, granted to said Delauriere and Louis Labeaume by Charles Dehault Delassus, on the 26th of March, 1801; also a tract of 800 arpens, granted to Frederick Dixon by Charles Dehault Delassus, on the 5th of June, 1802, and conveyed to said Delauriere, 30th of June, 1803; also 800 arpens, being a part of an undivided tract of 6,000 arpens, granted to Antoine Flandrine, lying on the right hand bank of the Grand Glaze, now called Spencer's creek; also 800 arpens on Salt river, granted to Joseph Marie, 15th January, 1801, and conveyed from said Marie to said Delauriere, as will appear by record at St. Charles; also 200 arpens, it being a part

of a 625 arpen tract, granted to said Delauriere in the year 1803, on the west bank of the Mississippi river, at a place called the Little Prairie, above the mouth of Salt river, which is now known as the Saverton tract, which land is situated, lying, and being in Ralls county; which land, with the appurtenances thereunto belonging, [will be disposed of] by public sale, at the court-house door, in said county, on the eighth day of March next, it being the third day of the circuit court, in said county, between the hours of nine and five o'clock of said day, for ready money, to satisfy said execution; the same subject to all prior mortgages and decrees, &c. February the 16th, 1837.

CHAPEL CARSTARPHEN,
Sheriff, Ralls county.

In testimony whereof I, Chapel Carstarphen, sheriff of the county of Ralls, and State of Missouri, have hereunto set my hand and seal, this 8th day of March, A. D. 1837.

CHAPEL CARSTARPHEN, [SEAL.]
Sheriff of Ralls county, Mo.

STATE OF MISSOURI,
County of Ralls, ss.

Be it remembered, that on this 6th day of July, A. D. 1837, in open session of the circuit court, for said county of Ralls, appeared Chapel Carstarphen, sheriff of the county of Ralls, who is personally known to the court to be the person whose name is subscribed to the foregoing instrument of writing, as having executed the same, and acknowledged the said instrument of writing to be his official act and deed, hand and seal, for the purposes therein mentioned.

In testimony whereof I, Harrison Glascock, clerk of the Ralls circuit court, have hereunto set my hand and seal of office, this 6th day of July, A. D. 1837, aforesaid.

HARRISON GLASCOCK, *Clerk.*

STATE OF MISSOURI,
County of Ralls.

I, Harrison Glascock, ex officio recorder of the county of Ralls, certify, that the within deed or instrument of writing, together with the certificate of acknowledgment thereon endorsed, are truly recorded in my office, in deed book C, pages 258, 259, and 260, on the 6th day of July, A. D. 1837.

In testimony whereof I have hereunto set my hand and seal of office, this day and year aforesaid.

HARRISON GLASCOCK,
Ex officio recorder, R. C.

A plat and certificate of the survey of Delauriere's and Labaume's 10,000 arpen tract, from the office of the surveyor general, (certificate

dated 22d of October, 1836;) it is agreed that the plat need not be copied into the record, but that the plat itself, which is identified by the signatures of Carty Wells for plaintiff, and Thos. L. Anderson for defendant, may be used in the supreme court as a part of the record.

It was admitted by the defendant that he was in possession, as charged in the declaration. The plaintiff here closed his evidence.

The defendant then read two patents from the State of Missouri, for the land sued for, dated April 26th, 1832, (in these words, to wit:)

John Miller, governor of the State of Missouri, to all who shall see these presents, greeting:

Whereas, the register appointed under the provisions of an act of the general assembly of the State of Missouri, entitled "an act to provide for the sale of the Saline lands," has made out and transmitted, in pursuance of said act, an abstract of the lands sold under the provisions of said act, by which it appears that James Emison, of the county of Ralls, and State of Missouri, did, on the twenty-ninth day of November, in the year of our Lord one thousand eight hundred and thirty-one, purchase the west half of the southeast quarter of section three, township fifty-five, of range five, containing eighty acres, being part of said Saline lands, at the price of two dollars ——— cents per acre, amounting in the whole to one hundred and sixty dollars —— cents. And whereas it further appears, by a receipt given by the receiver, appointed under the provisions of the above recited act, to the said James Emison, that full payment of the purchase money for said land has been made by him to said receiver: Now know ye, that I, John Miller, governor of the State of Missouri, in consideration of the premises, and in pursuance of the provisions of said act, hath given and granted, and by these presents do give and grant, unto the said James Emison, and his heirs, the above described tract of land; to have and to hold the same, with the appurtenances, unto the said James Emison, his heirs and assigns forever.

In testimony whereof I, John Miller, governor of the State of Missouri, have caused these letters to be made patent, and have hereunto set my hand and caused the great seal of the State to be affixed, at the city of Jefferson, the twenty-sixth day of [L. S.] April, in the year of our Lord one thousand eight hundred and thirty-two, of the independence of the United States the fifty-sixth, and of the State the twelfth.

By the Governor: JOHN MILLER.

JOHN C. EDWARDS, *Secretary of State.*

John Miller, governor of the State of Missouri, to all who shall see these presents, greeting.

Whereas the register, appointed under the provisions of an act of the general assembly of the State of Missouri, entitled "an act to provide for the sale of the Saline lands" has made out and transmitted, in pur-

suance of said act, an abstract of the lands sold under the provisions of said act, by which it appears that James Emison, of the county of Ralls, and State of Missouri, did, on the twenty-ninth day of November, in the year of our Lord eigh[teen] hundred and thirty-one, purchase the east half of the southeast quarter of section three, township forty-five, of range five, containing eightya cres, being part of said Saline lands, at the price of two dollars —— cents per acre, amounting to one hundred and sixty dollars —— cents; and whereas it further appears by a receipt given by the receiver, appointed under the provisions of the above recited act, to the said James Emison, that full payment of the purchase money for said land has been made by him to said receiver: Now know ye, that I, John Miller, governor of the State of Missouri, in consideration of the premises, and in pursuance of the provisions of said act, hath given and granted, and by the presents do give and grant, unto the said James Emison, and his heirs, the above described tract of land, to have and to hold the same, with the appurtenances unto the said James Emison, his heirs and assigns forever.

In testimony whereof I, John Miller, governor of the State of Missouri, have caused these letters to be made patent, and have hereunto set my hand, and caused the great seal of the State to be affixed, at the city of Jefferson, on the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and thirty-two, of the independence of the United States the fifty-sixth, and of the State of Missouri the twelfth.

[L. S.]

By the Governor: JOHN MILLER.

JOHN C. EDWARDS, *Secretary of State*.

The defendant then read a list and certificate from the General Land Office, to wit: Lists of tracts of land selected by the authorities of the State of Missouri, containing twelve salt springs, and lands for the use of the same, under the second proposition of the 6th section of the act for the admission of that State into the Union, approved the sixth of March, 1820.

Part of	Section.	Township.	Range.	Quantity.	
				Acres.	100ths.
All of - - - -	12	50	16	640	00
All of - - - -	13	50	16	640	00
North half of - - -	14	50	16	320	00
North half of - - -	15	50	16	320	00
N. E., S. W., & S. E. fr'l qr.	10	50	16	333	29
S. E. qr. & E. hf. S. W. qr.	1	50	16	240	00
Southeast quarter - -	36	51	16	160	00
West half northwest quarter	19	50	15	94	60
All except E. hf. of N. E. qr.	18	50	15	628	51

STATEMENT—Continued.

Part of	Section.	Township.	Range.	Quantity. Acres.	100ths.	
N.E. & S.W. & E. ½ S.E. ¼	7	50	15	432	64	
West half - - - -	6	50	15	400	86	
						4,209.90
All of - - - -	12	50	15	640	00	
All of - - - -	2	50	15	677	83	
All of - - - -	11	50	15	640	00	
North half and southeast qr.	1	50	15	485	78	
East half - - - -	10	50	15	320	00	
North half - - - -	13	50	15	320	00	
N.W. qr. and W. half N.E.	14	50	15	240	00	
South half - - - -	6	50	14	313	92	
N.W. qr. and W. half N. E.	7	50	14	238	02	
						3,875.55
All of - - - -	2	49	15	650	04	
All of - - - -	11	49	15	640	00	
West half southeast quarter	1	49	15	80	00	
East half - - - -	4	49	15	320	19	
N.W. qr. and E. hf. S.W. ¼	10	49	15	240	00	
N.E. qr. and E. hf. N.W. ¼	12	49	15	240	00	
S.E. qr. and E. hf. S.W. ¼	26	50	15	240	00	
N.E. qr., S.E. qr., & S.W. ¼	35	50	15	480	00	
Southwest quarter - -	36	50	15	160	00	
North half - - - -	7	49	14	308	23	
N. half of sect., and W. half S. E. quarter - - -	6	49	14	365	48	
S.W. qr. and W. hf. of S.E. ¼	31	50	14	241	74	
						3,965.68
All of - - - -	27	50	20	640	00	
All of - - - -	28	50	20	640	00	
All of - - - -	33	50	20	640	00	
East half - - - -	21	50	20	320	00	
Southwest quarter - -	22	50	20	160	00	
North half - - - -	29	50	20	320	00	
West half - - - -	20	50	20	320	00	
West half - - - -	17	50	20	320	00	
Southeast quarter - -	26	50	20	160	00	
Northwest quarter - -	35	50	20	160	00	
						3,680.00
North half and southwest qr.	24	48	20	480	00	
Northeast quarter - -	25	48	20	160	00	
East half - - - -	14	48	20	320	00	

STATEMENT—Continued.

Part of	Section.	Township.	Range.	Quantity. Acres.	Quantity. 100ths.	
All of	17	48	20	640	00	
All of	19	48	19	640	00	
All of	30	48	19	640	00	
North half	20	48	19	320	00	
North half	21	48	19	320	00	
North half	31	48	19	320	00	
						3,840.00
All of	1	48	19	640	00	
All of	2	48	19	640	00	
All of	11	48	19	640	00	
All of	12	48	19	640	00	
All of	13	48	19	640	00	
S. E. quarter of	3	48	19	160	00	
N. E. quarter of	10	48	19	160	00	
North half	23	48	19	320	00	
						3,840.00
S. E. quarter	17	50	22	160	00	
East half	20	50	22	320	00	
West half	21	50	22	320	00	
All of	28	50	22	640	00	
West half	33	50	22	320	00	
East half	5	49	22	333	99	
East half & N. W. qr.	4	49	22	490	40	
East half	8	49	22	320	00	
West half	9	49	22	320	00	
All of	17	49	22	640	00	
						3,864.39
All of	17	48	22	640	00	
South half	18	48	22	644	53	
N. W. quarter	20	48	22	160	00	
East half & N. W. qr.	8	48	22	480	00	
N. E. quarter	7	48	22	160	00	
North half	9	48	22	320	00	
South half	10	48	22	320	00	
North half & S. E. qr.	15	48	22	480	00	
West half	14	48	22	320	00	
North half	19	48	22	323	93	
N. W. quarter	21	48	22	160	00	
N. E. quarter	20	48	22	160	00	
						4,168.46

STATEMENT—Continued.

Part of	Section.	Township.	Range.	Quantity. Acres.	100ths.	
All of	25	51	21	640	00	
All of	24	51	21	640	00	
All of	36	51	21	640	00	
South half & N. E. qr.	13	51	21	480	00	
East half	23	51	21	320	00	
S. E. quarter	14	51	21	160	00	
East half	26	51	21	320	00	
S. W. fl. quarter	31	51	21	60	00	
North half	6	51	20	310	00	
S. W. quarter	25	50	20	160	00	
						3,730.00
All of	4	54	2	672	60	
North half & S. E. qr.	5	54	2	502	55	
North half & S. W. qr.	6	54	2	684	19	
All of	9	54	2	640	00	
All of	31	55	2	590	94	
All of	32	55	2	547	36	
						3,637.74
All of	33	56	5	555	29	
All of	34	56	5	640	00	
All of, except the fl. S. & E. of salt river	28	56	5	622	70	
South half & N. W. qr.	3	55	5	871	92	
All of	4	55	5	1391	63	
						4,081.54
All of	26	56	6	640	00	
All of	25	56	6	640	00	
All of	27	56	6	640	00	
All of	34	56	6	595	13	
All of	35	56	6	603	99	
All of	36	56	6	640	00	
						3,759.12

GENERAL LAND OFFICE,
August 8th, 1845.

I, James Shields, commissioner of the General Land Office, do hereby certify, that the foregoing four pages, 1, 2, 3, and 4 of this sheet, *is* truly copied from a list of tracts of land selected by the authorities of Missouri, which was submitted to the Secretary of the

Treasury in letter from this office, bearing date 22d August, 1837, and returned by the Secretary in his letter of 23d, same month, approving the selections.

In testimony whereof I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of
[L. S.] Washington, on the day and year above written.

JAS. SHIELDS, *Commissioner*.

The defendant also read from the journal of the senate of Missouri for the year 1824 and 1825, the following report, to wit:

"Report of Commissioners."

We, the commissioners appointed under the acts of the legislature of 1822, providing for the selection of salt springs for the use of the State, met in the town of Franklin, in Howard county, on the third day of September last, and proceeded to examine several salt springs, from which we have made the following selections, and beg leave to report them as in our opinion the best and most advantageous to the State.

First. A spring on the south side of the Missouri river, eight miles from it, known by the name of Big Spring, on the waters of the salt fork of the Lamine, in range 22 W., township 50 N., southeast quarter of section 17, which we have selected, with the east half of section 20, and the west half of section 21, section 28, west half of section 33; and in township 49 N., range 22 west, east half of section 5, the east half and northwest quarter of section 4, the east half of section 8, the west half of section 9, and section 17. The water of this spring is greatly superior to any other which we have seen, and sufficient in quantity for an establishment of any extent.

Second. A spring on black water, a fork of the Lamino, in range 22 W., township 45 N., section 17, about fifteen miles from navigable water on said stream, selected section 17, and the south half of section 18, the northwest quarter of section 20, the east half and northwest quarter of section 8, the northeast quarter of section 7, the north half of section 9, the south half of section 10, the north and southeast quarter of section 15, the west half of section 14, the north half of section 19, the northwest quarter of section 21, and the northeast quarter of section 20. This spring affords a sufficient quantity of water and of good quality.

Third. A spring on Corn creek, a water of the salt fork of the Lamino, ten miles from the Missouri, in range 21 W., township 51 N., section 25, selected section 25, section 24, section 36, south half and northeast quarter of section 13, the east half of section 23, the southeast quarter of section 14, the east half of section 26, the south half of section 31, in township 51, in range 20; the north half of section 6, in township 50, in range 20; the southwest quarter of section 25, which includes the principal spring in this section, is entered, but we were informed that it would be relinquished; but if that should not be the

case, and if said purchase should be good in law, there will still be two other springs in the bounds of the selection, with water equally good, but smaller springs. Three sections of land adjoining the selection heretofore made in township 50, range 20, east half of section 21, southwest quarter of section 22, north half of section 20, west half of section 20, west half of section 17, south half of section 26, and the northwest quarter of section 35.

Mud lick. A spring in range 2 west, township 54 north, in section 4, one mile from navigable water, on Salt river, selected section 4, section 5, section 6, section 9, and section 31 and 32, in township 55. The water of this spring is not equal in quality to the water on the Missouri; neither is it a large fountain. A great proportion both of the land and timber is excellent, and the quantity of the water is sufficient for one furnace of ordinary extent.

Freeman's lick. On Salt river, in range 5 west, township 56 north, section 33, selected section 33 and 34, and section 28; and in township 55 north, section 3 (containing 1418 acres) and section 4 (containing 1391 acres.) This spring is on Salt river where it is navigable. The quality of the water is about equal to that of Mud lick. The timber is of good quality and abundant.

Respectfully submitted by
ROBERT M. STEVENSON,
JESSE MORRISON,
WM. G. BYRD, *Commissioners.*

(See pages 44, 45, and 46, journal of the senate.)

To the competency of this evidence the plaintiff objected, but his objection was overruled and the report read; to this decision of the court the plaintiff excepted.

The above was all the evidence given by either party in the cause.

The plaintiff then prayed the four following instructions, which were refused by the court; to this decision the plaintiff excepted; which are in the words following, to wit:

The plaintiff moves the court to instruct the jury: 1st. That if the land in controversy had been before the 20th day of December, 1803, conceded by the Spanish Government to Fremon Delauriere and Louis Labeaume, and that said land had been surveyed before the 10th March, 1804, and that said Delauriere and Lebaume, or their legal representatives, had filed with the recorder of land titles prior to the 1st July, 1808, notice of said claim, then said claim was reserved, and could not be lawfully selected by the State of Missouri under the provisions of the act of Congress of the 6th March, 1820, provided said claim of Fremon and Labeaume has since been confirmed.

2d. That by the act of Congress of the 6th March, 1820, the legislature of Missouri could not lawfully select any land which had been, or was thereafter, confirmed or adjudged to any individual or individuals. That unless the legislature of the State of Missouri made its

selection of the land in question on or before the 1st January, 1825, it was illegal, and is not a valid title against or confirmation under the act of the 4th July, 1836.

4th. That the act of Congress of the 3d of March, 1831, conveys no title in any lands to the State of Missouri; said act only authorizes said State to sell absolutely lands already granted by the act of the 6th March, 1820. (Refused.)

The defendant then prayed the two following instructions, which the court gave; to which the plaintiff also excepted, which are in the words and figures following, to wit:

"The defendant by his counsel moves the court to instruct the jury, that if they believe from the evidence in this cause that the State of Missouri selected the land in controversy on or before the 1st day of January, 1825, under the 2d clause of the 6th section of an act of the Congress of the United States, entitled "an act to authorize the people of the Missouri territory to form a constitution, &c., approved 6th March, 1820;" and that said State of Missouri sold and patented the said land in controversy in fee simple to the said defendant after the 3d day of March, 1831, and before the 9th day of July, 1832, they should find for the defendant; that if they shall believe from the evidence that said land was selected by the State of Missouri, under said act, on or before the 1st of January, 1825, and that said State afterwards, and between the 3d of March, 1831, and the 9th of July, 1832, sold and patented the said land to the defendant, they ought to find for the defendant, although they may believe the said land was confirmed [to] the plaintiff's landlord by the act of July 4th, 1836." (Given.)

After verdict the plaintiff moved for a new trial, in words and figures following, to wit:

AUGUSTE FREMON DELAURIERE
vs.
THOMAS EMISON.

And the said plaintiff by his attorney comes and moves the court to set aside the verdict rendered in the above entitled cause, and grant him a new trial, for the following reasons, to wit:

1. Because the court refused to give the instructions asked for by the plaintiff.
2. Because the instructions given by the court for the defendant are against law.
3. Because the court misinstructed the jury.
4. Because the verdict of the jury is against law.
5. Because the verdict of the jury is against evidence.
6. Because the verdict of the jury is against law and evidence.

WELLS & FREMON,
Attorneys for plaintiff.

This motion was overruled, to which the plaintiff also excepted; the

plaintiff tenders this as his bill of exceptions to the decision of the court herein, and prays that the same may be signed, and ordered to be made a part of the record in this cause, which is done.

EZRA HUNT.

Bill of costs on part of the plaintiff.

To John Ralls, clerk, - - - - - - - -	$19 51
" John Jamison, sheriff - - - - - - -	4 45
" Plaintiff for deposition - - - - - -	2 50
" John Krigbaum, witness fees - - - - -	2 30
	$28 76
Credit by issuing fee paid clerk - - - - -	1 00
Amount due is	$27 76

Bill of costs on part of defendant

To John Ralls, clerk - - - - - - - -	40
" John Jamison, sheriff - - - - - - - -	10

STATE OF MISSOURI,
County of Ralls, sct.

I, John Ralls, clerk of the Ralls circuit court, within and for the county aforesaid, certify, that the foregoing fifty-three pages and fifteen lines to be a full, true, and complete transcript of the record and proceedings in the case of Auguste Fremon Delauriere, plaintiff, against Thomas Emison, defendant, (except as above excepted in the foregoing bill of exceptions by agreement) as fully as the same remains of record and on file in my office.

In testimony whereof I have hereunto set my hand and affixed the [SEAL] seal of said court, at [my] office in the town of New London, the 19th day of June, A. D. 1846.

JOHN RALLS, *Clerk.*

Supreme court, Missouri, at St. Louis, October term, 1849.

Be it remembered, that amongst other proceedings of said court was the following, to wit:

FREMON DELAURIERE
vs.
THOMAS EMMERSON.

Continued until next term.

And afterwards, to wit, at the March term, 1850, of said court, the following proceedings were had, viz:

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FREMON DELAURIERE
vs.
THOMAS EMMERSON. } Error to Ralls circuit court.

Now at this day come the parties, by their respective attorneys, and submit this cause to the court upon their written arguments.

And afterwards, to wit, at the October term, 1850, of said court, and being the 29th day of said month, amongst other proceedings were the following, viz:

FREMON DELAURIERE
vs.
THOMAS EMMERSON. } Error to Ralls circuit court.

Now at this day come again the parties aforesaid, by their respective attorneys, and the court here being now sufficiently advised of and concerning the premises, do consider and adjudge that the judgment aforesaid, in form aforesaid, by the said circuit court rendered, be in all things affirmed, and stand in full force and effect. And it is further considered by the court, that said defendant recover against the said plaintiff his costs and charges herein expended, and have thereof execution.

STATE OF MISSOURI, *sct.*

I, William B. Starke, clerk of the supreme court of the State of Missouri, held at St. Louis, certify, that the foregoing is a full, true, and perfect copy of the record and proceedings in the case of Auguste Fremon Delauriere against Thomas Emmerson, lately pending in our supreme court.

Witness my hand and private seal, (there being no seal of court yet provided,) at office, in the city of St. Louis, this 21st day of November, A. D. 1850.

W. B. STARKE, *Clerk.*

Writ of error.

MISSOURI DISTRICT, *sct.*

The President of the United States, to the judges of the supreme court of the State of Missouri, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea, which is in the said supreme court, before you, between Auguste Frémon De Lauriere, as plaintiff, and Thomas Emison, as defendant, a manifest error hath happened to the great damage of the said Auguste Fremon De Lauriere, as by his complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ; so that you have the same